



Immigration Detention In Hong Kong

In Hong Kong, immigration detainees, including those awaiting refugee claim decisions, are held indefinitely in detention centers for identity verification, potential deportation, or while awaiting a refoulement claim decision. In these facilities, they face mistreatment, limited access to support and no way to safely speak out about their concerns.



Leitner Center
for International Law
and Justice

Key concerns



1

Indefinite detention

Hong Kong law permits indefinite detention, including for those awaiting decisions on refugee claims.



2

Detention conditions

Detention centers are often dirty conditions and lack privacy, and mistreatment is common. New detention facilities are reported to have even harsher, prison-like, conditions.



3

Legal roadblocks

Getting legal assistance is difficult, making it hard for detainees to understand and defend their rights.



4

Vulnerable population at risk

The detention of vulnerable individuals, such as survivors of torture, pregnant women, LGBTQ+ individuals, and sometimes children, puts these individuals at greater risk.



5

Lack of oversight

With no independent monitoring, detainees have little opportunity to challenge their detention or report mistreatment without fear of repercussions.

Mary's story'

Mary*, a 35-year-old woman from south Asia, sought refuge in Hong Kong after facing political persecution in her home country. Her hope was to find safety and stability, but she encountered a harsh reality within Hong Kong's immigration detention system.

On arrival, Mary was placed in a detention facility to await the processing of her claim for protection. She found herself in an environment lacking basic privacy, where CCTV cameras monitored showers and sleeping areas. Her biometric data was constantly tracked through a wristband. And she was subjected to routine, invasive cavity searches. These searches were humiliating and a painful reminder of her past traumas. The lack of sensitivity to gender during these searches added to her distress.

Mary's mistreatment didn't end there. She witnessed and experienced physical violence from the detention center staff, often in areas hidden from CCTV cameras where such acts could go unchecked. Despite her fear of retaliation, Mary longed to speak out against these injustices. However, the absence of a confidential and reliable system to report these issues left her voiceless and her concerns unaddressed.

*This hypothetical case is drawn from real-world examples discussed during expert interviews.

Recommendations



**Stop detaining
vulnerable groups**



**Use alternatives to
detention**



**Set clear limits on
how long someone
can be detained**



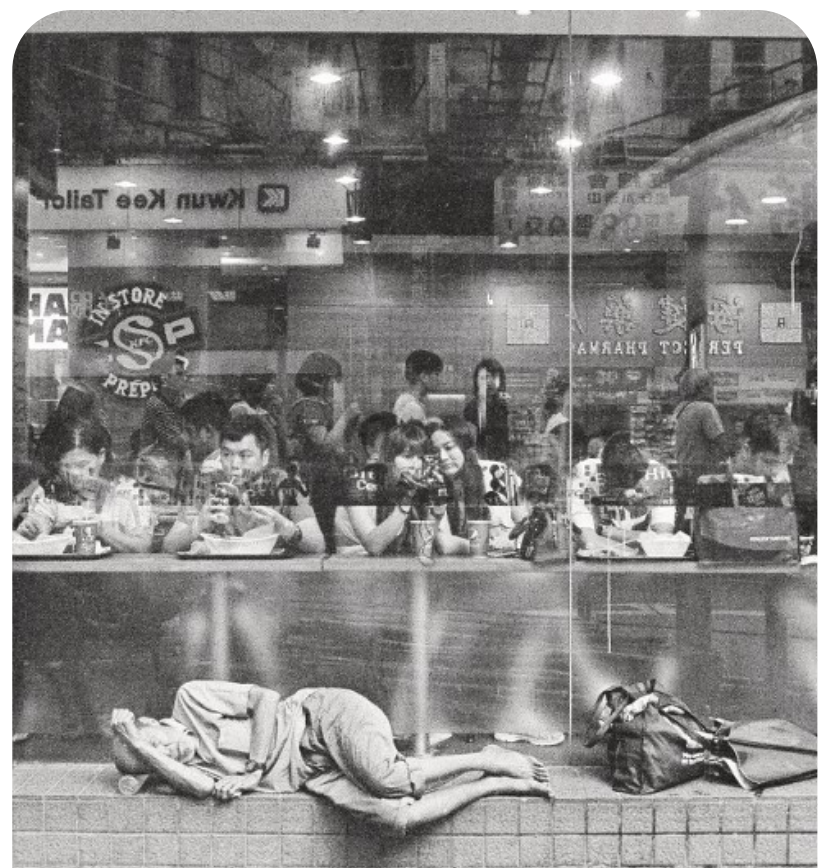
**Improve
detention
conditions**

About the Leitner Center

This overview is based on a chapter from the Leitner Center's latest report "Unseen struggles: Addressing migrant rights in Hong Kong" and its submission to the UN's Universal Periodic Review. The Leitner Center for International Law and Justice at Fordham Law School trains law students to become international legal experts and impassioned human rights advocates through its pioneering human rights programs, clinics, and education initiatives; facilitates capacity building and advocacy with local social justice organizations and activists around the world; and contributes to critical research among scholars in international human rights.



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